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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,770	03/11/2005	Werner Goertz	112740-1062	5187
29177 7590 05/30/2008 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER LY, NGHI H				
ART UNIT 2617		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,770

Applicant(s)

GOERTZ ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19, 20, 22-29 and 31-36 are rejected under 35 U.S.C. 102(e) as being anticipated by the applicant's admitted prior art.

Regarding claim 19, the applicant's admitted prior art teaches a method for sending and receiving service messages to and from a service center (see fig.1 and specification page 4, line 3 to page 6, line 9), the method comprising: setting up a telecommunications call to the service center via a telecommunications device (see fig.1 and specification page 4, line 3 to page 6, line 9), initiating, by the service center, a first session via the telecommunications call set-up (see fig.1 and specification page 4, line 3 to page 6, line 9), sending, via the telecommunications device and in the first session, a first service message to the service center (see fig.1 and specification page 4, line 3 to

page 6, line 9), receipt of which is acknowledged by the service center (see fig.1 and specification page 4, line 3 to page 6, line 9), initiating, acknowledgment by the telecommunications device and as a result of by the service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34), a second session via the telecommunications call set-up (see fig.2, and specification page 6, lines 11 to page 9, line 34), sending, by the service center and in the second session (see fig.2, and specification page 6, lines 11 to page 9, line 34), at least one second service message to the telecommunications device, receipt of which is acknowledged by the telecommunications device (see fig.2, and specification page 6, lines 11 to page 9, line 34), and releasing (see fig.2, and specification page 6, lines 11 to page 9, line 34), and releasing (see fig.2, and specification page 6, lines 11 to page 9, line 34), by the service center and as a result of acknowledgement by the telecommunications device (see fig.2, and specification page 6, lines 11 to page 9, line 34), the second session so as to clear down the telecommunications call (see fig.2, fig.3 and specification page 6, lines 11 to page 9, line 34).

Regarding claims 20 and 29, the applicant's admitted prior art teaches a duration of the second session is monitored by the telecommunications device (see fig.2, and specification page 6, lines 11 to page 9, line 34).

Regarding claims 22 and 31, the applicant's admitted prior art teaches the method further comprising requesting by the telecommunications device (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34), with the first service message in the first session (see fig.1 and specification page 4, line 3 to page 6, line 9), downloadable

information content which is one of stored in the service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34), made available by the service center and procured by the service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34).

Regarding claim 23, the applicant's admitted prior art teaches the method further comprising transmitting to the telecommunications device by the service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34), with the second service message in the second session (see fig.2, and specification page 6, lines 11 to page 9, line 34), the information content requested (see fig.2, and specification page 6, lines 11 to page 9, line 34).

Regarding claims 24, 33 and 34, the applicant's admitted prior art teaches the first service message is one of a short message according to a Short Message Service and a multimedia message according to a Multimedia Message Service (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34).

Regarding claim 25, the applicant's admitted prior art teaches the second service message is one of a short message according to a Short Message Service and a multimedia message according to a Multimedia Message Service (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34).

Regarding claims 26 and 35, the applicant's admitted prior art teaches the telecommunications device is one of a cordless telephone with a cordless base station and at least one cordless handset, and a corded telephone, and a fixed network

connection is used as the telecommunications call between the respective telephone and the service center (see the specification page 3, line 4 to page 4, line 6).

Regarding claim 27, the applicant's admitted prior art teaches a mobile telephone is used as the telecommunications device and a mobile radio call is used as the telecommunications call between the mobile telephone and the service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34).

Regarding claim 28, the applicant's admitted prior art teaches a telecommunications device for transmitting and receiving service messages to and from a service center (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), comprising: a user interface for entering user commands and outputting user information (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), a central control device for controlling functional and operational sequences in the telecommunications device (see fig.1 and specification page 4, line 3 to page 6, line 9), the central control device being connected to the user interface (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), and a telecommunications device/service center interface for telecommunications calls to the service center (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), the telecommunications device/service center interface including sending and receiving parts connected to the central control device (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), wherein the user interface, the central control device and the sending part are implemented such that a telecommunications call to the service center is set-up, wherein the user interface (see fig.1, fig.3 and specification page 4, line 3 to page 6, line

9), the central control device and the receiving part are implemented so as to detect that the service center has initiated a first session on the telecommunications call set-up (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), wherein the user interface, the central control device and the sending and receiving parts are implemented in such a way that, in the first session (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), the telecommunications device sends, via the sending part, a first service message to the service center (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), receipt of which is acknowledged by the service center (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), wherein the central control device is assigned an evaluation/control part which is implemented in such a way that (see fig.1, fig.3 and specification page 4, line 3 to page 6, line 9), as a result of the acknowledgement from the service center received via the receiving part (see fig.1, fig.2, fig.3 and specification page 4, line 3 to page 9, line 34), a second session is initiated via the sending part on the telecommunications call set-up (see fig.2, and specification page 6, lines 11 to page 9, line 34), wherein the user interface, the central control device and the sending and receiving parts are implemented in such a way that (see fig.2, and specification page 6, lines 11 to page 9, line 34), in the second session (see fig.2, and specification page 6, lines 11 to page 9, line 34), the service center sends the telecommunications device at least one second service message (see fig.2, and specification page 6, lines 11 to page 9, line 34), receipt of which is acknowledged by the telecommunications device, and wherein the user interface (see fig.2, and specification page 6, lines 11 to page 9, line 34), the central control device, and the

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sending and receiving parts are implemented in such a way that, for release of the second session by the service center (see fig.2, and specification page 6, lines 11 to page 9, line 34), the service center is sent an acknowledgement, via the sending part, pursuant to which the telecommunications call is cleared down (see fig.2, and specification page 6, lines 11 to page 9, line 34).

Regarding claim 32, the applicant's admitted prior art teaches the second service message effects that, in the second session (see fig.2, and specification page 6, lines 11 to page 9, line 34), the information content requested is transmitted to the telecommunications device by the service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34).

Regarding claim 36, the applicant's admitted prior art teaches the telecommunications device includes a mobile telephone (see fig.3), with a mobile radio connection connecting the mobile telephone and the service center (see fig.3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Cain et al (US 2006/0034281A1).

Regarding claims 21 and 30, the applicant's admitted prior art teaches a method for sending and receiving service messages to and from a service center (see fig.1, fig.2, and specification page 4, line 3 to page 9, line 34). The applicant's admitted prior art does not specifically disclose the duration is 60 seconds.

Cain teaches the duration is 60 seconds (see [0060]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cain into the system of the applicant's admitted prior art in order to provide a method for receiver access control in a multicast communication network (see Cain, Abstract).

Response to Arguments

7. Applicant's arguments with respect to claims 19-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617